

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROSEBUD LMS, INC.,	)	
d/b/a ROSEBUD PLM,	)	
	)	
Plaintiff,	)	Case No. 12-1141-SLR
v.	)	
	)	
ADOBE SYSTEMS INCORPORATED,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**DECLARATION OF STEVEN J. MITBY IN SUPPORT OF PLAINTIFF ROSEBUD'S  
RESPONSE TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

I, Steven J. Mitby, declare as follows:

1. I am a partner at Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C., counsel for Plaintiff Rosebud LMS, Inc. ("Rosebud") in this matter, and admitted *pro hac vice* to this Court. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently to them. I make this declaration in support of Plaintiff's Response to Defendant's Motion to Dismiss Plaintiff's First Amended Complaint.

2. Attached hereto as **Exhibit A** is a true and correct copy of an e-mail exchange from February 6, 2013 to March 7, 2013, between counsel for Rosebud and counsel for Adobe, regarding mediation.

3. Attached hereto as **Exhibit B** is a true and correct copy of an April 17, 2013 e-mail, from counsel for Rosebud to counsel for Adobe, as well as the attached claim chart.

4. Attached hereto as **Exhibit C** is a true and correct copy of an e-mail exchange from September 23, 2013 to September 30, 2013, between counsel for Rosebud and counsel for Adobe, regarding Rosebud's proposed revised schedule and Adobe's proposed stay.

5. Attached hereto as **Exhibit D** is a true and correct copy of the September 21, 2013 Scheduling Order in this case.

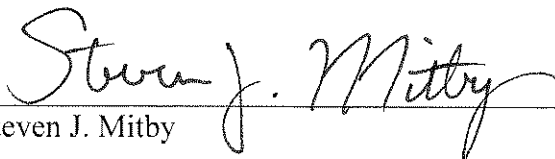
6. Attached hereto as **Exhibit E** is a true and correct copy of U.S. Patent 8,046,699.

7. Attached hereto as **Exhibit F** is a true and correct copy of U.S. Patent 7,454,760.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

DATED: October 11, 2013

  
Steven J. Mitby